REMARKS

Claims 1, 3-10 and 12-14 are pending. Claims 1 and 10 are independent.

The Board of Patent Appeals and Interferences rejected Claims 1 and 10, under 35 U.S.C. § 102(e), as being anticipated by Ota (US Patent 6437797); Claims 2, 3, *5-9,* and 11-14, under 35 U.S.C. § 103(a), as being obvious over Ota and Ogaki (US Pub 20020154150); and Claim 4, under 35 U.S.C. § 103(a), as being obvious over Ota, Ogaki, and Rusch (US Patent 6801777). Independent claims 1 and 10 have been amended to recite the limitations of: "wherein the portable computer device is a hand-held portable computer device; and a zoom control (14), wherein the computer device accepts input from the zoom control (14) and adjusts the zoom setting of the display to adjust the displayed time interval in the time mode and the display area in the space mode in accordance with the input on the zoom control (14)." No new matter has been added. Support for these amendments can be found, at least, on page 1, lines 4-10 and page 2, lines 20-26.

The present invention provides a more user-friendly computer device, by firstly having turned the computer device into a hand-held portable computer device, by secondly having introduced the data acceptance logic (24,40) for determining whether time and location information is present, and for adding time information to data items not having time information and for adding location information to data items not having location information, and by thirdly having introduced the zoom control (14) for adjusting the zoom setting of the display to adjust the displayed time interval in the time mode and to adjust the display area in the space mode in accordance with the input on the zoom control (14).

Especially for portable computer devices it is important to use an available screen surface efficiently. Thereto, the computer device as defined by the new claim 1 has a time mode and a space mode, and has a possibility of detecting time information and adding time information to items not having time information (which detecting and adding is especially interesting for the time mode), and has a possibility of detecting space information and adding space information to items not having space information (which detecting and adding is especially interesting for the space mode), and has a zoom control for adjusting a time interval in the time mode and for adjusting a space interval in the space mode.

As a result, the portable computer device as defined by the amended claim 1 has strongly improved time and space modes and is much more user-friendly than prior art computer devices.

Ota only discloses a non-portable non-hand-held computer device. Such a non-portable computer device usually has a larger available screen surface and does therefore not need said strongly improved time and space modes.

The Final Office Action points to fig. 1, element 14 to show a [hand-held] portable computer device. Applicants respectfully disagree. As shown in fig. 1, it is a view illustrating an entire construction of an image managing system according to an embodiment of the present invention. This system includes a personal computer 10, which is used an image managing unit, a digital camera 12, a GPS receiver 14, an SSFDC 16, a display 24 and a color printer 22. Although the GPS receiver 14 may be portable, it is only a portion of the entire Ota system,

which is not portable. Accordingly, Ota fails to teach "A portable computer device comprising …[or] …wherein the portable computer device is a hand-held portable computer device…

The Final Office Action indicates the Ota teaches: data acceptance logic (fig. 2, code(Tag), col. 3, lines 61-67) arranged to accept data on the data input (col. 3, lines 16- 18, data from satellites), to determine whether time and location information is present (col. 3, 18-22), to add time and/or location information to data items not having time and/or location information (col. 3, 18-22). Applicants respectfully disagree.

In col. 3, lines 61-67, Ota teaches:

> GPS information. As shown in FIG. **2**, the image format **30** has an area, which contains information useful in managing the image data; a pointer indicating an address on the memory of a GPS Info Private tag **32**, which includes GPS information; and a pointer indicating an address on the memory of an Exif Private tag **34** which includes the capturing information. Thus, the captured images are cor-

Applicants can find nothing therein that teaches a data acceptance logic (24, 40) arranged to accept data on the data input (26, 38), *to determine whether time and location information is present, to add time and/or location information to data items not having time and/or location information.* The above section of Ota simply teaches that the image format 30 has an area that has other information for manage the image data; *a GPS device does not determine* or add time and location information to data, as claimed, since its function is simply to obtain positioning information.

In col. 3, lines 18-21 Ota teaches:

> sures the distances to the satellites. Then, the GPS receiver **14** solves four equations which are set up according to the received data to thereby obtain positional data (latitude, longitude and altitude) of the receiving position as well as the present time.

The above section of Ota simply teaches that the GPS component of the Ota system solves equations to obtain positioning data and uses the present time, it does not *determine whether time and location information is present, to add time and/or location information to data items not having time and/or location information*, as claimed.

The Final Office Action indicates the Ota fails to teach a zoom control and indicates that Ogaki teaches a display control method comprising a zoom control (fig. 4, page 2, [0019], [0022]). Therefore, it would have been obvious to one skill in the art at the time the invention was made to combine Ogaki ' s display control method with Ota ' s image data managing method in order to adjust the zoom setting of the display to adjust the displayed time interval and the display area to get more detail positional information of captured images. Applicants respectfully disagree. Ota teaches using a personal computer 10 and a display 24 for its image data managing system, see Fig. 1. Therefore there would be little need for a zoom control with a large conventional display device. Accordingly, where is the suggestion found in either of Ota or Ogaki for the combination? If the suggestion is not there, why would someone of ordinary skill in the art decide to modify the combination of Ota or Ogaki?

Still further, although Ogaki teaches the use of a zoom control, it fails to teach "a zoom control (14), wherein the computer device accepts input from the zoom control (14) and adjusts the zoom setting of the display *to adjust the displayed time interval in the time mode and the display area in the space mode* in accordance with the input on the zoom control (14)." Ogaki is silent on adjustments in two modes e.g. the space mode and time mode, as claimed.

Moreover, Applicants respectfully submit that the Examiner has used impermissible hindsight. The Federal Circuit in *In re Rouffet* stated that virtually all inventions are combinations of old elements. Therefore an Examiner may often find many elements of a claimed invention in the prior art. To prevent the use of hindsight based on the invention to defeat patentability of the invention, the Examiner is required to show a motivation to combine the references and further a motivation to modify the combination to justify a finding of obviousness. Appellants respectfully submit that the Examiner has not met this burden.

The mere fact that the prior art device could be modified so as to produce the claimed device, which in this case even in combination it does not (as discussed herein), is not a basis for an obviousness rejection unless the prior art suggested the desirability of the modification. See, In re Gordon, 733 F.2d 900, 902 (Fed, Cir. 1984); and In re Laskowski, 871 F.2d 115, 117 (Fed. Cir. 1989).

The only suggestion that can be found anywhere for making the modification appears to come from the present patent application itself.

For at least the above cited reasons, Applicant submits that Claim 1 is clearly patentable over Ota and Ogaki. As noted, independent Claim 10 is a method claim related to Claim 1, Thus, Claim 10 is deemed patentable over the prior art for the same reasons as Claim 1.

The other claims in this Application are each dependent from one or another of the independent claims discussed above, and are therefore believed patentable for the same reasons. Since each dependent claim is also deemed to define an additional aspect of the invention, however, the individual reconsideration of the patentability of each on its own merits is respectfully requested.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

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